

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALEX BERENSON,

Plaintiff,

-against-

JOSEPH R. BIDEN, JR., ANDREW M. SLAVITT,  
ROBERT FLAHERTY, VIVEK MURTHY, M.D.,  
SCOTT GOTTLIEB, M.D., and ALBERT  
BOURLA, PH.D, D.V.M.

Defendants.

Case No. 1:23-cv-03048-JGLC

**NOTICE OF DR. ALBERT BOURLA AND DR. SCOTT GOTTLIEB'S  
MOTION TO DISMISS THE PROFFERED AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon (i) the memorandum of law in support of defendants Albert Bourla and Scott Gottlieb's motion to dismiss the proffered amended complaint and (ii) the declaration of James P. Rouhandeh in support of defendants Dr. Bourla and Dr. Gottlieb's motion to dismiss the proffered amended complaint, dated October 11, 2024, and the exhibits annexed thereto, Dr. Bourla and Dr. Gottlieb, by and through the undersigned counsel, hereby move this Court before the Honorable Jessica G. L. Clarke, United States District Judge at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be set by the Court, for an order dismissing with prejudice plaintiff Alex Berenson's proffered amended complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as well as for such other and further relief that this Court deems just and proper.

Dated: October 11, 2024  
New York, New York

Respectfully submitted,  
**DAVIS POLK & WARDWELL LLP**

By: /s/ James P. Rouhandeh

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David B. Toscano  
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*Attorneys for Dr. Albert Bourla and Dr. Scott Gottlieb*